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ART UNIT	**PAPER NUMBER**
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/826,415	DOEPKE ET AL.	
	Examiner	Art Unit	
	RACHNA S. DESAI	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 August 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 08/06/10 has been entered.

2. Claims 1-35 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1-4, 6-8, 11-12, and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Newman et al., US 6,154,600, 11/28/00.**

Regarding claim 1, Newman discloses a media editor that provides for the creation of transitions between hypermedia portions which meets the preamble, ***a method to specify a multimedia transition***. See column 4, lines 6-32.

Newman teaches manipulating hypermedia comprises a first transition controller for retrieving a first frame from a memory controller which meets the limitation, ***identifying with the computer system a source multimedia object***. See column 4, lines 44-52. Newman teaches manipulating hypermedia comprises a second transition controller for retrieving a second frame from a memory controller which meets the limitation, ***identifying with the computer system a target multimedia object***. See column 4, lines 44-52.

Newman also discloses an alpha transition controller to retrieve an alpha frame from the memory controller wherein the alpha frame can be a video frame or other hypermedia captured by a consumer using a GUI in order to add a variety of editing functions defining a transition which meets the limitation ***identifying with a computer system executing a video editing application a plurality of multimedia assets that define a transition, the multimedia assets including at least one predefined multimedia asset provided by the video editing application and including at least one arbitrary multimedia asset, wherein the at least one arbitrary multimedia asset is user-supplied and is generated independent of any of the predefined multimedia assets provided by the video editing application.*** See column 3, lines 45-67, column 4, lines 5-52, and column 9, lines 32-67. See figures 9-12 which depict a

video editing application. Newman teaches a user can capture hypermedia from real-time on-line sources as well as off-line sources which is independent of multimedia assets provided by a video editing application. See column 3, lines 45-59. Further, these captured clips can be dragged and dropped into a GUI to integrate the captured clips into a motion picture clip which can comprise both a predefined multimedia asset provided by a video editing application and an arbitrary multimedia asset (i.e. the user-supplied clip).

Examiner note: Multimedia assets define a transition effect and can include video streams, matte movies, background matte movies, switch points, and durations. See Applicant's description in Specification, page 3. In this case, the hypermedia selected by a user and used in the alpha frame defines a transition effect.

Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame which meets the limitation, ***creating a result with the computer system transitioning with the transition from the source multimedia object to the target multimedia object by compositing the multimedia assets that define the transition with the source and target multimedia objects; and making the result available for use by the video editing application executing on the computer system***. See column 4, lines 44-52 and column 9, lines 32-55.

Regarding claim 2, Newman teaches the hypermedia used to define a transition may include a video (i.e. asset movie) or other hypermedia. See column 3, lines 45-67 and column 4, lines 1-5. *Examiner note: Applicant's specification on pages 5-6 define*

an asset movie as a movie or image shown during the transition from a start image/clip to a end image/clip. In this case, Newman's system allows any captured hypermedia including a clip or video to be used in defining transitions.

Regarding claim 3, Newman teaches the hypermedia used to define a transition can be captured by a consumer and edited by a consumer to define editing functions and transitions. See column 3, lines 45-67 and column 4, lines 1-5.

Regarding claim 4, Newman teaches the hypermedia supplied by a consumer may include video clips. See column 3, lines 45-67 and column 4, lines 44-52.

Regarding claim 6, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16.

Regarding claim 7, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16. A user can modify transition effects in the GUI including determining a transition.

Regarding claim 8, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16.

Regarding claim 11, Newman teaches retrieving a first frame from a memory controller comprises a plurality of video frames. A plurality of video frames make up a multimedia presentation. See column 4, lines 34-52.

Regarding claim 12, Newman teaches retrieving a second frame from a memory controller comprises a plurality of video frames. A plurality of video frames make up a multimedia presentation. See column 4, lines 34-52.

Regarding claims 14-17 and 19-20, the claims are drawn to a program storage device with machine-readable instructions for causing the device to execute the method of claims 1, 3, 4, 6, and 11-12 respectfully above. Accordingly, the claims 14-17 and 19-20 are rejected under the same rationale used with respect to claims 1, 3, 4, 6, and 11-12 respectfully above.

Regarding claim 18, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within

446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. **Claims 22, 26-28, and 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00.**

Regarding claim 22, Newman discloses a media editor for defining a transition from one frame to another frame which meets the preamble, ***a method for generating a user defined transformation using a video editing application***. See column 3, lines 45-67 and column 4, lines 1-52.

Newman teaches retrieving multiple frames representing a video portion from a transition controller that retrieves the frames from a memory controller which meets the

limitation ***identifying with a computer system executing the video editing application a first movie that is independent of any predefined movie provided by the video editing application***. See column 4, lines 1-52. See column 3, lines 45-67, column 4, lines 5-52, and column 9, lines 32-67. See figures 9-12 which depict a video editing application. Newman teaches a user can capture hypermedia from real-time on-line sources as well as off-line sources which is independent of multimedia assets provided by a video editing application. See column 3, lines 45-59.

Examiner note: A movie may comprise one or more frames; therefore, Newman's retrieval of a first frame can be interpreted as a movie.

Newman teaches identifying an alpha frame from the memory controller or from a user-captured clip from the WWW wherein the alpha frame comprises a video clip or movie which matches the limitation ***identifying with the computer system an x-asset key that is user-supplied and is independent of any predefined x-asset key provided by the video editing application, wherein the x-asset key comprises at least one second movie***. See column 3, lines 45-67, column 4, lines 1-52 and column 9, lines 32-54.

Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame which matches the limitation, ***compositing a transformation by combining the first movie and the second movie in accordance with the x-asset key.*** See column 4, lines 44-52 and column 9, lines 32-55.

Newman does not utilize the term ***x-asset key*** when he teaches identifying an alpha frame that is independent of the video editing application, wherein the alpha

frame comprises a second movie. An x-asset key is defined as a collection of all assets for a transformation including movies and parameters (see Applicant's specification, page 7). Therefore, Newman's *alpha frame* is analogous to an "x-asset key" because an alpha frame can be a video clip that defines the transition or transformation from one frame to a second frame. See column 4, lines 44-52 and column 9, lines 32-55. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to interpret Newman's alpha frame as an x-asset key because it is a movie for a transformation.

Regarding claim 26, Newman discloses a CPU, memory coupled to the CPU, and a media editor coupled to the CPU and memory for performing the method of claim 22 above. Accordingly, claim 26 is rejected under the same rationale used in claim 22 above.

Regarding claim 27, claim 27 is drawn to a machine readable medium comprising instructions for performing the method of claim 22 and therefore, is rejected under the same rationale used in claim 22 above.

Regarding claim 28, Newman discloses a media editor for defining a transition from one frame to another frame which meets the preamble, ***a method for generating a user defined transition using a video editing application***. See column 3, lines 45-67 and column 4, lines 1-52.

Newman teaches identifying a first and second frame received from a first and second transition controller that retrieves the frames from a memory controller which meets the limitation ***identifying with a computer system executing the video editing application first and second image frames that are user supplied and independent of any predefined image frames provided by the video editing application***. See column 4, lines 1-52. Newman teaches identifying an alpha frame from the memory controller or from a user-captured clip from the WWW wherein the alpha frame comprises a video clip or movie which matches the limitation ***identifying with the computer system an x-asset key that is user-supplied and is independent of any predefined x-asset key provided by the video editing application, wherein the x-asset key comprises at least one second movie***. See column 3, lines 45-67, column 4, lines 1-52 and column 9, lines 32-54. See column 3, lines 45-67, column 4, lines 5-52, and column 9, lines 32-67. See figures 9-12 which depict a video editing application. Newman teaches a user can capture hypermedia from real-time on-line sources as well as off-line sources which is independent of multimedia assets provided by a video editing application. See column 3, lines 45-59. Further, these captured clips can be dragged and dropped into a GUI to integrate the captured clips into a motion picture clip which can comprise both a predefined multimedia asset provided by a video editing application and an arbitrary multimedia asset (i.e. the user-supplied clip).

Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame which matches the limitation, ***compositing the first image frame, the second image frame, and each frame of the movie in accordance***

with the x-asset key using the video editing application. See column 4, lines 44-52 and column 9, lines 32-55.

Newman does not utilize the term ***x-asset key*** when he teaches identifying an alpha frame that is independent of the video editing application, wherein the alpha frame comprises at least one movie. An x-asset key is defined as a collection of all assets for a transformation including movies and parameters (see Applicant's specification, page 7). Therefore, Newman's *alpha frame* is analogous to an "x-asset key" because an alpha frame can be a video clip that defines the transition or transformation from one frame to a second frame. See column 4, lines 44-52 and column 9, lines 32-55. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to interpret Newman's alpha frame as an x-asset key because it is a movie for a transformation.

Regarding claim 34, Newman discloses a CPU, memory coupled to the CPU, and a media editor coupled to the CPU and memory for performing the method of claim 28 above. Accordingly, claim 34 is rejected under the same rationale used in claim 28 above.

Regarding claim 35, claim 35 is drawn to a machine readable medium comprising instructions for performing the method of claim 28 and therefore, is rejected under the same rationale used in claim 28 above.

7. Claims 13, 21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of Sideman, US 2002/0116716 A1, 08/22/02 (filed 02/22/01).

Regarding claim 13, Newman teaches retrieving a second frame from the memory controller comprising a plurality of video frames. A plurality of video frames make up a multimedia presentation. See column 4, lines 34-52. However, Newman does not teach that the multimedia presentation is a second multimedia presentation.

Sideman teaches selecting media assets for use in a video and selecting a sequence of those assets as well as defining transitions. See page 1, paragraphs [0015]-[0017] and page 4, paragraph [0076]-[0079]. The multimedia assets can be user supplied or retrieved from an archive or associated library which meets the limitation ***a second multimedia presentation***. See page 3, paragraph [0048] and page 4, paragraphs [0076]-[0079].

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include Sideman's selection of multimedia assets from a variety of sources when editing a sequence of clips and transitions in the system of Newman because it does not restrict a user to content from one source and allows a user to exercise some creativity. See page 1, paragraphs [0005]-[0013] of Sideman.

Regarding claim 21, the claim is drawn to a program storage device with machine-readable instructions for causing the device to execute the method of claim 13

above. Accordingly, the claim is rejected under the same rationale used with respect to 13 above.

Regarding claim 29, Newman teaches retrieving the first and second frames from a memory controller comprising the frames of a video. The first and second frame can be any frame from the video portion; however, Newman does not expressly teach the second frame is the first frame of a second movie.

Sideman teaches selecting media assets for use in a video and selecting a sequence of those assets as well as defining transitions. See page 1, paragraphs [0015]-[0017] and page 4, paragraph [0076]-[0079]. The multimedia assets can be user supplied or retrieved from an archive or associated library comprising the multimedia assets. See page 3, paragraph [0048] and page 4, paragraphs [0076]-[0079]. Therefore, Sideman teaches the second frame could be from a second movie.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include Sideman's selection of multimedia assets from a variety of sources when editing a sequence of clips and transitions in the system of Newman because it does not restrict a user to content from one source and allows a user to exercise some creativity. See page 1, paragraphs [0005]-[0013] of Sideman.

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of White et al., US 6,909,438 B1, 06/21/05 (filed 01/23/01).

Regarding claim 5, Newman teaches the user-supplied multimedia assets can comprise video clips. See column 3, lines 45-67 and column 4, lines 1-52. However, Newman does not expressly disclose the user-supplied multimedia assets comprise user-generated matte video clips. White discloses a video compositor including a matte video. See column 1, lines 28-51 and column 12, lines 44-67. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a matte video clip among the multimedia assets supplied by the user in Newman's system because matte video clips help in determining the percentage of foreground and background values that will be used for each pixel in a composited image. See page 1, lines 28-51.

9. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00, as applied to claim 8 above, and further in view of Harville et al., US 2004/0218894 A1, 11/04/04 (filed 04/30/03).

Regarding claim 9, Newman does not teach identifying a key asset and interrogating metadata associated with the key asset to identify default transition time. However, Harville discloses a transition element that describes effects of the transition such as the length of time over which to transition from one piece of content to another. See page 8, paragraph [0106]-[0108]. Harville discloses a pair of tags and values

specifying parameters for the transition such as the length of time it is to take place. See page 8, paragraphs [0106]-[0108].

Examiner note : A key asset is defined by the Applicant on page 10, paragraph [0024] of the Specification, as an asset that is used to define the time duration of the transition. Thus Harville's teachings of an element defining the length of time over which a duration should take place using a pair of tags and values specifiying the parameters is an asset defining a default transition time.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to include Harville's identification of a default transition time in the system of Newman because it was desirable at the time of the invention to enable a user to customize various features of a transition. See page 1, paragraph [0006] of Harville.

Regarding claim 10, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip. See figures 10-11 and columns 15-16.

10. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of Peters et al., US 5,528,310, 06/18/96.

Regarding claim 30, Newman discloses an alpha frame that is a video describing the transition from one frame to another frame. An alpha frame includes an alpha value for each pixel that defines a mix level between corresponding pixels of the first and second frames. The alpha value is interpreted as an alpha channel as an alpha channel is defined as a mask that specifies how a pixel's colors should be merged/blended with another pixel when the two are overlaid (See Applicant's specification, page 5). Newman's alpha frame including an alpha value meets the limitation, ***wherein the at least one movie comprises an asset movie including alpha channel information***.

Although Newman discloses various types of transitions including dissolve and face, he does not expressly disclose an ***asset movie including a marker***, ***blending the first image frame as a background and each frame of the asset movie as a foreground in accordance with the alpha channel information before the marker is reached*** or ***blending the second image as a background and each frame of the asset movie as a foreground in accordance with the alpha channel information after the marker.***

Peters teaches creating a transition between a first sequence of video frames and a second sequence of video frames. Peter discloses manipulating a timeline to determine the rough area in which the transition is to be added which meets the limitation ***asset movie including a marker***. See column 3, lines 65-67 and column 4, lines 1-30. The user can drag the transition start control line to move the start of the transition earlier or later.

Peter teaches retrieving the pixel sequences for the first and second scene in a player module. The player module uses a blending factor to blend the first frame wherein a first blending factor decreases linearly as the transition progresses and the second blending factor increases as time progresses causing a first scene to fade out as a second scene fades in which meets the limitations, ***blending the first image frame as a background and each frame of the asset movie as a foreground in accordance with the alpha channel information before the marker is reached*** and ***blending the second image as a background and each frame of the asset movie as a foreground in accordance with the alpha channel information after the marker.*** See column 6, lines 1-67 and column 7, lines 1-43.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Peter's creating of transitions with Newman's system for creating transitions because it was desirable at the time of the invention to create a transition between a first frame and a second frame wherein a user could utilize different transition characteristics to achieve a desired aesthetic effect. See column 2, lines 5-46 of Peter.

11. Claims 23-25 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newman et al., US 6,154,600, 11/28/00 in view of Pettigrew, US 6,445,816 B1, 09/03/02.

Regarding claim 31, Newman teaches identifying an alpha frame from the memory controller wherein the alpha frame comprises a video clip (i.e. movie). See column 4, lines 1-52 and column 9, lines 32-54. Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame. See column 4, lines 44-52 and column 9, lines 32-55. Newman does not disclose the at least one movie comprises all of an asset movie, an asset matte movie, and a background matte movie used to perform the compositing.

However, Pettigrew discloses a system for compositing video image data wherein a video comprises a sequence of image frames. See column 2, lines 26-29. Pettigrew teaches compositing two images using an associated key-signal or matte. The key/matte controls which part of the background and which part of the foreground is to be taken in order to render the frame in the resulting image which is the claimed *"background matte movie"*. When the key or matte for a given frame is white, only the foreground image is taken for the resulting frame and when the key or matte for a given frame is black, only the background is taken for the resulting. When keys are not pure white or black, the resulting frame is derived from a percentage of the corresponding foreground frame and a percentage of the corresponding background frame. See column 6, lines 46-60.

First image frames are derived from a foreground image comprising a required foreground image recorded against an unrequired background, such that a compositing process results in the unrequired background being replaced by a new required background. This is done using a procedure that first describes a base color of the

unrequired background and second determines the difference from the color of the foreground image from the identified color and third, processes the foreground image to produce associated data. Associated data known as the alpha matte data is used to produce an output or composite data of the foreground and background images which is the claimed *"asset matte movie"*. See column 10, lines 24-48.

Pettigrew discloses an act of compositing a foreground image with a background image. When the key or matte for a given frame is white, only the foreground image is taken for the resulting frame and when the key or matte for a given frame is black, only the background image is taken for the resulting. When keys are not pure white or black, the resulting frame is derived from a percentage of the corresponding foreground frame and a percentage of the corresponding background frame. See column 6, lines 46-60. This meets the claimed limitations, "*blending a portion of the first image frame as a background, the corresponding portion in a frame of the asset movie as the foreground in accordance with the alpha channel information in the asset matte movie, when the corresponding portion in the background matte movie is white"* and *"blending a portion of the second image frame as a background, the corresponding portion in a frame of the asset movie as the foreground in accordance with the alpha channel information in the asset matte movie, when the corresponding portion in the background matte movie is black"* because: Initially on a white background, the first frame is displayed as the background. As the color changes, a certain percentage of the foreground image and background image is calculated based on the asset matte movie, resulting in the transition being in the foreground. As the color turns into a black background, the

transition remains in the foreground as a second image emerges in the background. See columns 6-10 of Pettigrew.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Pettigrew in the system of Newman because it was desirable at the time of the invention to provide blending between foreground and background images when defining transitions among images in order to enhance the realism of the effect, otherwise, a viewer would experience a hard transition from one seen to a next indicated the two image parts originated from separate sources. See column 2, lines 9-36 of Pettigrew.

Regarding claim 32, Newman does not teach adjusting the length in time and size in pixels of the asset matte movie to match the asset movie and the background matte movie. It is noted that the length in time and size in pixels of the asset matte movie and asset movie as well as the background matte movie and asset movie could be identical, not requiring the adjustment. Pettigrew teaches matching the pixels of the associated data (i.e. background matte) with the foreground and background images that make up the transition (asset movie). See columns 5-6. Furthermore, Pettigrew teaches matching the alpha matte signal to the foreground and background images to produce composited data as in column 10, lines 32-48.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Pettigrew's teachings with that of Newman's because it was desirable at the time of the invention to provide blending between foreground and

background images when defining transitions among images in order to enhance the realism of the effect, otherwise, a viewer would experience a hard transition from one seen to a next indicated the two image parts originated from separate sources. See column 2, lines 9-36 of Pettigrew.

Regarding claim 33, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip which meets the limitation, ***wherein the x-asset key further comprises at least a duration parameter***. See figures 10-11 and columns 15-16.

Newman teaches the length of the asset movie is set by a user using the time ruler in the GUI which meets the limitation, ***adjusting the length in time of the asset movie to match the duration specified by the duration parameter.*** See figures 10-11 and columns 15-16.

Regarding claim 23, Newman does not teach the second movie comprises both an asset movie and a third movie and the act of compositing comprises blending the asset movie as a foreground and the first movie as a background in accordance with blending information in the third movie; however, Pettigrew does. Pettigrew discloses a system for compositing video image data wherein a video comprises a sequence of image frames. See column 2, lines 26-29. Pettigrew teaches compositing two images using an associated key-signal or matte. The key/matte controls which part of the

background and which part of the foreground is to be taken in order to render the frame in the resulting image. When the key or matte for a given frame is white, only the foreground image is taken for the resulting frame and when the key or matte for a given frame is black, only the background is taken for the resulting. When keys are not pure white or black, the resulting frame is derived from a percentage of the corresponding foreground frame and a percentage of the corresponding background frame. See column 6, lines 46-60.

First image frames are derived from a foreground image comprising a required foreground image recorded against an unrequired background, such that a compositing process results in the unrequired background being replaced by a new required background. This is done using a procedure that first describes a base color of the unrequired background and second determines the difference from the color of the foreground image from the identified color and third, processes the foreground image to produce associated data. Associated data known as the alpha matte data is used to produce an output or composite data of the foreground and background images which is the claimed *"third movie"*. See column 10, lines 24-48.

Pettigrew discloses an act of compositing a foreground image with a background image. When the key or matte for a given frame is white, only the foreground image is taken for the resulting frame and when the key or matte for a given frame is black, only the background image is taken for the resulting. When keys are not pure white or black, the resulting frame is derived from a percentage of the corresponding foreground frame and a percentage of the corresponding background frame. See column 6, lines 46-60.

This meets the claimed limitations, "*blending the asset movie as a foreground and the first movie as a background in accordance with blending information in the third movie*" because: Initially on a white background, the first frame is displayed as the background. As the color changes, a certain percentage of the foreground image and background image is calculated based on the asset matte movie or third movie, resulting in the transition being in the foreground. As the color turns into a black background, the transition remains in the foreground as a second image emerges in the background. See columns 6-10 of Pettigrew.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Pettigrew in the system of Newman because it was desirable at the time of the invention to provide blending between foreground and background images when defining transitions among images in order to enhance the realism of the effect, otherwise, a viewer would experience a hard transition from one seen to a next indicated the two image parts originated from separate sources. See column 2, lines 9-36 of Pettigrew.

Regarding claim 24, Newman does not teach the third movie comprises one of a background matte movie, scale map movie, displacement map movie, luminosity map movie, a zoom-x map movie or a zoom-y map movie. However, Pettigrew teaches the third movie can comprise a background matte movie. Pettigrew discloses a system for compositing video image data wherein a video comprises a sequence of image frames. See column 2, lines 26-29. Pettigrew teaches compositing two images using an

associated key-signal or matte. The key/matte controls which part of the background and which part of the foreground is to be taken in order to render the frame in the resulting image which is the claimed ***"background matte movie"***. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Pettigrew in the system of Newman because it was desirable at the time of the invention to provide blending between foreground and background images when defining transitions among images in order to enhance the realism of the effect, otherwise, a viewer would experience a hard transition from one seen to a next indicated the two image parts originated from separate sources. See column 2, lines 9-36 of Pettigrew.

Regarding claim 25, Newman discloses a transition GUI in figure 11 comprising a means to edit each transition effect by a user. The GUI includes a time ruler (within 446) that indicates the duration of the hypermedia portion corresponding to a clip which meets the limitation, ***wherein the x-asset key further comprises at least a duration parameter***. See figures 10-11 and columns 15-16.

Newman teaches the length of the asset movie is set by a user using the time ruler in the GUI which meets the limitation, ***adjusting the length in time of the asset movie to match the duration specified by the duration parameter.*** See figures 10-11 and columns 15-16.

Response to Arguments

12. Applicant's arguments filed 08/06/10 have been fully considered but they are not persuasive.

It is noted the rejections under 35 USC 101 and 35 USC 112 were previously withdrawn, thus Applicant's arguments with respect to those rejections are considered moot.

On pages 13-15 of the Remarks, Applicant argues Newman does not disclose transitions having a multimedia asset that is supplied by a user and is generated independent of any multimedia assets provided by the video application.

Examiner disagrees and respectfully notes that the Board of Patent Appeals and Interferences has already affirmed the rejections against this limitation over Newman as outlined in the BPAI decision rendered on 06/08/2010.

In that decision, the BPAI stated on page 8, "We find that Newman's disclosure teaches an editing system that utilizes a GUI to selectively capture, manipulate, and combine clips from the WWW. In particular, we find that by capturing, manipulating, and combining clips from the WWW, Newman discloses that a user can independently retrieve images or movies from the WWW and subsequently select fades, dissolves, wipes, or animated effects in order to allow a video application program to transition a first image or movie to a second image or move. Thus, we find that Newman teaches the disputed limitation".

Therefore, Examiner maintains the rejections for claims 1 and 14 for reasons stated by the BPAI.

On pages 14-15, Applicant continues to argue the captured hypermedia in Newman does not define a transition **in the same way** Applicant's claims call for multimedia assets that define a transition. Applicant argues the captured hypermedia in Newman is combined with alpha frames that describe how to combine frame sequences of the captured hypermedia. Thus, the alpha frames define the transition, not the hypermedia.

Examiner disagrees.

Newman teaches integrating the first frame, the second frame, and the alpha frame to form a transition frame which meets the limitation, ***creating a result with the computer system transitioning with the transition from the source multimedia object to the target multimedia object by compositing the multimedia assets that define the transition with the source and target multimedia objects; and making the result available for use by the video editing application executing on the computer system***. See column 4, lines 44-52 and column 9, lines 32-55. In other words, the applicant claims "compositing the multimedia assets that define the transition" which means combining visual elements from separate sources into a single image. This is precisely what Newman does when he teaches integrating the first, second, and alpha frame to create a transition frame.

On pages 15-16, Applicant argues Newman fails to teach an x-asset key that is used to composite a transformation combining movies and that is user supplied and is

independent of any x-asset key provided by the video editing application. Rather, Applicant argues, Newman teaches the transitions provided are selected by the system or by a user to generate a transition between captured hypermedia and refers to section A2 above. Further, Applicant argues even though Newman teaches a user captures hypermedia from online and offline sources, this captured hypermedia represents target and source material to be edited in an editor with transitions and is not used to form transitions.

Examiner disagrees and respectfully notes the BPAI has already affirmed the rejections regarding this limitation.

As stated in the decision on pages 9-11, Newman's editing system independently retrieves images and movies from the WWW and allows a user to select editing functions that transition a first image/movie to a second image/movie. In particular, the BPAI found Newman's editing system allows a user to store the independently retrieved images or movies in the editing system amounts to identifying a collection of movies or parameters stored in a designated file, directory, or folder. Thus, the BPAI found that Newman taught the disputed limitation.

Further, Newman teaches identifying an alpha frame from the memory controller or from a user-captured clip from the WWW wherein the alpha frame comprises a video clip or movie. Newman teaches users can capture hypermedia from real-time online sources, such as broadcast radio, television, the world wide web, off-line sources, etc. The user can replay the hypermedia in addition to selectively capture and manipulate hypermedia portions, or clips using the transition GUI. The captured clips appear as

icons on the GUI and consumers may combine captured clips by manipulating their icons to effect a wide variety of editing functions, such as fades, dissolves, etc. See column 3, lines 45-67. In other words, the x-asset keys are independent of multimedia assets provided in the video editing application and the captured hypermedia represents target and source material used to form transitions.

In view of the comments above, the rejections are maintained.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHNA S. DESAI whose telephone number is (571)272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rachna S Desai/
Primary Examiner, Art Unit 2176
08/12/10